

STATE OF MICHIGAN
COURT OF APPEALS

KHALIL BEY,

Plaintiff-Appellant,

v

JOHN O. MEYERS and JANELL R. MEYERS,

Defendants-Appellees,

and

AMANDA JO ANTEAU,

Defendant.

UNPUBLISHED

March 18, 2014

No. 312917

Wayne Circuit Court

LC No. 12-007031-CH

Before: BECKERING, P.J., and STEPHENS and RIORDAN, JJ.

PER CURIAM.

Plaintiff appeals as of right a final order denying his motion for default judgment. We affirm.

Plaintiff argues that the trial court erred in failing to grant his motion for default judgment because defendants failed to plead or otherwise defend plaintiff's claim to the property in question within the appropriate time limits. Specifically, plaintiff argues that defendants failed to serve and file an answer or take other action within the appropriate time limits¹ of MCR 2.108 after being served with a summons and complaint. We disagree.

A trial court's decision regarding a motion for default judgment is reviewed for an abuse of discretion. *Frankenmuth Mut Ins Co v ACO, Inc*, 193 Mich App 389, 397; 484 NW2d 718 (1992). "An abuse of discretion occurs when the trial court chooses an outcome falling outside the range of principled outcomes." *Charter Tp of Lyon v McDonald's USA, LLC*, 493 Mich 906, 912; 823 NW2d 420 (2012).

¹ Plaintiff notes that MCR 2.108 requires an answer or other action within 28 days of service of a summons and complaint; however, the actual time limit is 21 days.

The Michigan Constitution “requires that a plaintiff possess standing before a court can exercise jurisdiction over that plaintiff’s claim.” *Miller v Allstate Ins Co*, 481 Mich 601, 606; 751 NW2d 463 (2008). “The purpose of the standing doctrine is to assess whether a litigant’s interest in the issue is sufficient to ensure sincere and vigorous advocacy.” *Lansing Schools Educ Ass’n v Lansing Bd of Educ*, 487 Mich 349, 355; 792 NW2d 686 (2010) (internal quotation marks and citation omitted). A litigant has standing to sue whenever there is a legal cause of action. *Id.* at 372. Where a cause of action is not provided at law, a litigant may have standing to sue “if the litigant has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant.” *Id.*

Where a litigant contends that standing is conferred by a statutory scheme, the litigant must meet the requirements of “statutory standing.” *Miller*, 481 Mich at 607. “The principle of statutory standing is jurisdictional; if a party lacks statutory standing, then the court generally lacks jurisdiction to entertain the proceeding or reach the merits.” *In re Beatrice Rottenberg Living Trust*, 300 Mich App 339, 355; 833 NW2d 384 (2013). Statutory standing involves “statutory interpretation: the question it asks is whether the legislature has accorded this injured plaintiff the right to sue the defendant to redress his injury.” *Miller*, 481 Mich at 607.

Plaintiff lacked standing to bring any legal claim regarding the property. Plaintiff’s theory, alleged in his complaint, was that MCL 600.3241 allowed him to obtain any abandoned property, so long as he complied with the notice provisions contained in that statute. In the context of Michigan mortgage law, MCL 600.3241 is a statutory mechanism that allows a mortgagee to foreclose upon a property abandoned by a mortgagor when the subject mortgage is in default, subject to various notice requirements. However, MCL 600.3241 specifically refers to “mortgagees” as the persons with authority to foreclose on properties; it is not a statute with applicability to the general public. In fact, MCL 600.3241 is a statutory section defining when a presumption of abandonment shall apply in the context of mortgage foreclosure; it is just a small section of a larger statutory framework regarding foreclosure of mortgages by advertisement. Plaintiff does not allege that he has any prior interest in the property. Further, defendants’ continued ownership of the property does not injure plaintiff in any way, nor does it affect any of his legal rights or interests. Plaintiff lacked standing to bring any civil case regarding the property. Plaintiff’s argument, that he was entitled to a default judgment because defendants did not respond to his mailings, is meritless. Plaintiff never had standing to sue, and the trial court never had jurisdiction over his claim. Accordingly, where the court lacks jurisdiction over a claim, it has no authority to entertain the proceeding, including the authority to grant a default judgment. See *Beatrice*, 300 Mich App at 355.

Affirmed.

/s/Jane M. Beckering
/s/ Cynthia Diane Stephens
/s/ Michael J. Riordan